

MINUTES

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

HON. CHARLES S. COODY, JUDGE AT Montgomery, Alabama

DATE COMMENCED: 8/2/05 AT 10:00 - 10:45

DATE COMPLETED: 8/2/05 TO Digital Recorded

UNITED STATES OF AMERICA

VS. CASE NO.: 1:05CR152-T-CSC

HOUSTON M. HOLLY
JOHNNIE GRIMES

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GOVERNMENT

APPEARANCES:

DEFENDANT

Atty. Susan Redmond

* Atty. Sydney Albert Smith

COURT OFFICIALS PRESENT:

Court Room Deputy: Wanda Stinson

() NON-JURY TRIAL

(X) OTHER PROCEEDINGS: **RULE 44 HRG AND PRETRIAL CONFERENCE**

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED		
Description	Rule 44 Hrg. Hearing - 1:05CR152-T-CSC	
Date	8 / 2 /2005	Location Courtroom 4B
Time	Speaker	Note
10:00:12 AM	Court	Court convenes; parties present as noted above; Defendant's placed under oath; Questions to each deft as to age; medications taking, etc.
10:03:09 AM	Mr. Holley	Response to the court as to age, education and medications taking;
10:03:41 AM	Court	Directs questions to Deft. Grimes;
10:03:55 AM	Mr. Grimes	Response to the court as to his age, education and medication taking;
10:04:43 AM	Atty. Smith	Addresses the court as to the competency of both defts;
10:04:59 AM	Court	Discussion with both defts as to rights to be represented by own lawyer that represent them and their interest; Discussions of problems or conflicts that may rise with a lawyer representing to or more people;
10:10:46 AM	Atty. Smith	Addresses the court that Mr. Holley came to him first and that he has just meet with Mr. Grimes today; Advised both that the had a right to different attorneys; Mr. Grimes indicated that he wanted to be represented by me;
10:12:02 AM	Court	Addresses Deft Grimes as to his understanding of his right to have own attorney;
10:12:06 AM	Mr. Grimes	Confirms understanding and wants Mr. Smith to represent him;
10:12:23 AM	Court	Addresses Deft Holley as to the his understanding of difficulties that can rise out Mr. Smith representation of Deft Grimes;
10:12:31 AM	Mr. Holley	Confirms understanding and wants Mr. Smith to represent him;
10:12:35 AM	Court	Asked CRD about Rule 44 forms;
10:12:42 AM	CRD	Checking on forms;
10:13:03 AM	Court	Will see if we can find some of our standard R44 forms;
10:13:06 AM	Atty. Smith	Will file waiver of Speedy trial form on behalf of Mr. Holley today; Discussion as to pretrial set for Monday, have a capital case set for that time as well; Ask the court to continue the pretrial or do it by telephone or move it to later;
10:14:16 AM	Atty. Redmond	Addresses the court; Will be able to stand in for Mr. Hardwick if necessary;
10:14:57 AM	Atty. Smith	Addresses the court as to 2 discovery issues that need to be taken care of;
10:16:05 AM	Court	Govt prepared to go forward with pretrial conference now?;
10:16:14 AM	Atty. Redmond	Addresses the court - not prepared to go forward at this time;
10:16:32 AM	Court	Is this case going to trial?
10:17:02 AM	Atty. Smith	Yes sir;
10:17:02 AM	Court	How days will it take to try?

10:17:02 AM	Atty. Smith	2 days;
10:17:08 AM	Court	What are the discovery problems:
10:17:23 AM	Atty. Smith	Response regarding documents obtained from supply houses obtained by subpoena would like copies of those subpoenas;
10:18:30 AM	Court	Suggest that parties confer with each other on the issues;
10:18:40 AM	Atty. Redmond	Responds to the court; Asked Mr. Smith to put that in writing;
10:18:58 AM	Court	Will take a brief recess to find forms to be executed;
10:43:24 AM	Court	Court RECONVENES;
10:43:31 AM	Court	Discussion of waiver forms; Defts have no questions about the waiver form; Defts agree to have Mr. Smith represent them; Defts executes forms.
10:45:06 AM	Atty. Smith	We did sign and file a waiver of speedy trial form on behalf of Deft Holley;
10:45:24 AM	Court	Court is recessed.